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have already gone beyond the proper limits of an article, in rather desultory remarks suggested by only a small portion of his labors. We close with the expression of gratitude to him for undertaking an important and difficult task, and of respect for the ability, learning, and taste, with which it is executed.

ART. IV. — *Journal and Letters of the late Samuel Curwen, Judge of Admiralty, &c.; an American Refugee in England from 1775 to 1784, comprising Remarks on the Prominent Men and Measures of that Period. To which are added Biographical Notices of many American Loyalists and other Eminent Persons.* By GEORGE ATKINSON WARD. New York. 1842. 8vo. pp. 580.

BUT a few months ago, we did our best to introduce to public notice a very modest biography of one of the most respectable of the American loyalists during the Revolution.* Believing that the time was past when the topic could not be touched without giving rise to angry passions, we undertook to treat it, as we should any question of mere historical interest, with mildness and impartiality. The idea of harbouring vindictive feelings against individuals long since deceased, who were sufficiently punished during their lives for whatsoever offences they may have committed, is ridiculous. If we understand ourselves in the least, our disposition is to do to the unfortunate class of whom we speak, nothing less than strict justice; to weigh with deliberation every argument that may be urged in their favor, and to censure, if this be necessary, only where censure appears to be a duty. In such a spirit we took up the life of Mr. Van Schaack. In the same we now take up the book before us. And if, in the treatment of the two, there should be any difference perceptible, the cause must be found not so much in us, as in the works themselves. Of the individuals concerned, we knew equally little before these attempts were made to bring them forward to the public observation.

* See *North American Review*, Vol. LV. pp. 97 *et seq.*

Judge Curwen was a native of Salem, in Massachusetts, and was descended from a family of wealth and respectability in that ancient town. His intercourse was, therefore, with persons of whom those who live in the vicinity necessarily know something, and he is connected with events that still interest all of us at this day. He appears to have lived much in the society where the liberty doctrines were voted rank heresy, and to have sympathized with those advocates of the British sovereign's prerogative, who, like himself, basked in the smiles of government favor. To be sure, the number of these was not, relatively to the whole population, very great, but it was considerably larger than most of the present generation are apt to imagine. Nearly all of the judicial bench, most of the leading members at the bar, all the officers attached to the custom-house, a considerable number of the graduates of Harvard University, many leading merchants, and most of the fashionable gentry, must be ranked upon the Tory side at the commencement of the struggle. Comparatively few persevered in their principles, at the cost of banishment and the confiscation of their property. But some did so, and it has been one of the objects of the editor of this book to gather in it such information relative to their fate, as might still be of general interest. Efforts of the same kind have lately been made in other quarters, and all with very indifferent success. Probably if their history were known, it would be comprised in few words. Like trees, transplanted after they have attained maturity, they experienced a blight of their prosperity and vigor, which no length of time could entirely remedy. The most fortunate repaired to other possessions of Great Britain, there to contribute to the formation of new systems of colonial vassalage, in return for the royal bounty not very graciously accorded to them ; whilst the remainder struggled on, in the home of their preference, with insult and neglect whilst living, and died at last unpitied and unknown.

Judge Curwen was one of those who had the good sense not to sacrifice himself entirely to an ungrateful step-mother. The volume before us is made up for the most part of extracts from his Diary, through which, with some assistance of the editor, we learn the following particulars respecting him. He received his education at Cambridge, and afterwards engaged with various success in commerce. He

however embarked with zeal in the expedition against Louisburg in 1745, and served as a captain in one of the New England companies during the siege. In 1759 he was appointed Impost Officer for Essex county, which office he filled for fifteen years. This must have been up to the period of his leaving the country as a refugee, when we are told that he was also Judge of Admiralty. Under such obligations as these favors conferred, it can be matter of no surprise, that his name should be found in the list of those who offered to Governor Hutchinson an address of sympathy upon his departure from the colony. Some of these addresses (for there were several of them), which raised a violent flame in the colony against the signers, are republished in the present volume, together with the recantation that was made by a portion of them out of terror at the popular indignation. Of that portion Judge Curwen was not one. And, as a consequence of his perseverance, he was obliged to fly for safety, first to Philadelphia, and thence to the mother country. There he remained until the war was over. But, finding things not to his liking in Great Britain, and his property having been saved from confiscation, and himself from outlawry, at home, he in 1784 made the best of his way back to Salem, where he dwelt in quiet seclusion, until his death, at a very advanced age, in 1802.

Having thus given an abstract of all the material points in the life of the gentleman who is the subject of this book, before we proceed to extract such passages from the Diary as appear worthy of notice, we would dwell a moment upon the manner in which the editor has performed his task. Of his diligence and fidelity we can say much in commendation; but we must admit, that we have been unable to keep pace with him in the sentiments, which he everywhere rather insinuates, than expresses, of the American Revolution. And we are not sure that he has paid even that exact attention to his style, which should free it from those ambiguities and inaccuracies too often committed in America from mere carelessness, for us to feel justified in overlooking them altogether. We propose to give examples in explanation of each objection as we go on. And first, we will quote a passage from the Preface, where, speaking of the subject of the memoir, he says ;

“ Another inducement for [to ?] the publication is furnished

by the incidental light thrown upon the character of his brethren in exile, of whom scarcely any now survive, but whose numerous descendants feel a deep sense of the injustice, to which most of them, in a season of great popular excitement, were unfortunately subjected, who, under less adverse circumstances, had filled with honor civil posts of high trust, and led to victory our arms in the provincial wars. As the just fame of such as have distinguished themselves in important public concerns has ever been esteemed among the most valued treasures of civilized nations, that of these loyalists, banished for opinion's sake, seems to call for a proper vindication at the hands of an impartial posterity, while the contrast of their later with their earlier fortunes presents strong claims to the sympathy of mankind.

"The success of recent publications in the department of historical writing having induced the belief, that the period has arrived, when a sealed book may be opened, and a dispassionate examination had of the circumstances connected with that portion of our history in which the character of this proscribed class of our countrymen is involved, this work is offered, with the hope of removing, to some extent, if not fully, whatever obloquy has been unjustly cast upon their names, and to show that they were, in many instances, not the less actuated by lofty principle, than those who embraced the popular opinions of the day, and adopted measures which resulted in such transcendent success." — pp. iii, iv.

Had this passage contained the expression of but a single casual opinion to be found in the book, we should not have deemed it worth while to take it up. Much allowance should always be made for the influence which any favorite pursuit will have at some moments in vitiating the judgment of the person engaged in it. But, to excuse such cases, that judgment should at least be seen to be always sound, where the particular bias is not strong enough to prevent its action. We do not perceive that this is the fact with Mr. Ward. The error which he commits in the Preface, reappears in almost every page of his composition in the volume; and it is for that reason we feel that we must, however reluctant, do our best to expose it. He surely needs not to be told, that his doctrine, if adopted, would destroy the standard of right and wrong in public conduct completely. If the only fault of the loyalists was, that they had to contend with adverse circumstances, and the injustice of a popular excitement against them, but for which they would have been high in honors

both civil and military, then it must follow, that the chief merit of their persecutors, as he styles them, consisted in their power and their ultimate success in doing wrong. The whole matter is thus reduced to a mere game of chance. But we understand men to be free agents, and that in all cases, where they are called on to act in public affairs, there is a choice between absolute right and wrong to be made, wholly independent of circumstances, prosperous or adverse. Even though we may not incline to doubt the purity of the motives under which they act, yet, in awarding praise or blame, we must try their conduct by some positive standard of excellence previously existing in our own minds.

If the editor had only claimed for the refugees honesty in the maintenance of their opinions, we should have had no disposition whatsoever, in many instances, to dispute it. Mr. Van Schaack's biographer asked for nothing more, and to that extent we were happy to be able to contribute to his gratification. But, when Mr. Ward goes further, and says, that the loyalists were "actuated by principles not less *lofty* than those who embraced the popular opinions of the day, and adopted measures which resulted in such transcendent success," we must demur to the use of the word *lofty* so applied, as well as to any comparison being made at all between the classes thus brought together. We must protest, moreover, against the use of all those terms, which imply that either popularity or success had any thing whatever to do with the merit of the opinions of the patriotic party. Such an insinuation does too great injustice to the men, who, through suffering and danger to their own lives, and to all they held dear in this world, established an independent government in the United States, for us to be willing to pass it by unnoticed. Success may, indeed, have given a share of brilliancy to the result in the eyes of the world, which did not absolutely belong to the principles at the foundation of the struggle; but had that result been different, misfortune could have done nothing to tarnish their intrinsic purity. The question was one of liberty or servitude. Had the decision of it been in favor of the latter, it might, perhaps, have exalted the refugees to temporary power at the expense of the country, but it could not have changed the nature of their conduct. Their reputation with posterity might have then been even less enviable than it now is.

The next passage, from the spirit of which we entirely dissent, is to be found in the Introductory Memoir.

"There does not appear to have been any cause for dissatisfaction in the colonies at that period (1763), and there was no complaint of the invasion of the rights of the people by any of the governments. Soon, however, the disturbance in England reached America, and the cry of 'Wilkes and liberty!' in London, was echoed in Boston, and resounded through the colonies.

"Accounts were received before the session of the legislature of Massachusetts, in 1764, that a bill had passed the House of Commons, imposing duties on articles heretofore exempted, which afforded a good opportunity to bring the officers of the crown into disrepute, should they attempt to carry the law into effect. All who were desirous of keeping up the authority of law, were branded with the name of *Tories*; their characters were assailed in the newspapers, and they were charged with promoting measures to restrict the natural and chartered rights and liberties of the people." — pp. 19, 20.

The first insinuation in this passage is, that the disturbances in England, consequent upon the outrage committed by government upon Mr. Wilkes, were the origin of the discontent which was manifested in the colonies upon the news of the passage of the Stamp Act. Or, in other words, that it was a spirit of dissatisfaction with government in general, communicated by sympathy from the mother country, that led to the difficulties in America, rather than any well-founded objection of principle to that measure. There is but one thing in this charge that surprises us; and that is, that an American should make it. For Hutchinson, the very author whom the editor blindly follows, admits, that the feelings of the colonists and their principles had always sided with the party called the *Whigs* in Great Britain. It need be no cause of surprise, therefore, if the cry of 'Wilkes and liberty!' did ring in Boston, when the principles of liberty were attacked in his person on the other side of the water. A similar cry had rung in the same place, when Charles the First undertook to make himself an arbitrary monarch there, and when James the Second lost his three kingdoms for a mass. But that had nothing to do with the passage of the Stamp Act. It had nothing to do with the grand discovery of Mr. George Grenville, that the colonies could be made to furnish part of the means with which to meet the annual

expenses of Great Britain. The same political obtuseness, probably, led to the attacks upon the colonies, which had prompted that upon Wilkes ; but these were faults for which they only must be held responsible, who committed them, not they who were bound by their own principles to endeavour to correct them.

This naturally leads us to the other insinuation, contained in the extract already quoted. And this is, that the Stamp Act was opposed, not so much because it was an unauthorized stretch of power, submission to which would have tended to the subversion of every safeguard of civil liberty, as because "it afforded a good opportunity to bring the officers of the crown into disrepute." And, to grace the whole, it is added in a tone of complaint, that those, who were in favor of keeping up the authority of this most illegal law, "were branded with the name of Tories, and were charged in the newspapers with promoting measures to restrict the natural and chartered rights of the people." Very well. And was not the charge strictly true ? And did not the persons, who took the course described, richly deserve the appellation they received, if, by that appellation, be understood, a disposition to sustain the prerogative of the sovereign, at the expense of the rights of the subject ? Assuredly, if this is one of the examples of the *lofty* principle actuating the Loyalists, which we hear of in the editor's Preface, the American people will scarcely be disposed, even at this day, to aid him in removing any share of the obloquy, that has been cast upon their names.

The truth of the matter is simply this. The editor has most unfortunately suffered himself to be led astray, by putting implicit confidence in the third volume of Hutchinson's History. This has infected every thing he has written. He has even gone further, and allowed himself, we are willing and anxious to believe, accidentally, and with no evil design, to misstate the purport of the letters written by several distinguished gentlemen in Massachusetts, to solicit the publication of that volume. The passage we allude to is to be found at the close of the biographical notice of Hutchinson, appended to the body of the work, and runs as follows ;

"Governor Hutchinson deserves great honor for his labors in regard to the History of Massachusetts, which he published from its settlement to the year 1760. In so high estimation was it

held, that, at the expiration of more than half a century after its publication, successful efforts were made by the most influential persons there, to obtain the unpublished part of this history, which they pronounced, '*a work of inestimable value, resting on the solid basis of utility and truth; the accuracy and fidelity of which were universally felt and acknowledged.*' These efforts of the government of Harvard College, the Historical Society, of Judge Davis, Governor Gore, Dr. Kirkland, Dr. Lowell, and James Savage, Esq., who secured the private circulation of five hundred copies before publication, and whose sentiments on the leading subject are at variance with those of its author, are proud testimonials of the character of Governor Hutchinson in the field of his labors and sacrifices, and amidst the descendants of his persecutors." — pp. 456, 457.

Now it may be owing to careless writing, or it may be intended, — we will not say which, though we believe the former; — but the natural inference from this passage certainly is, that the gentlemen and the societies named, applied the words marked in emphatical characters, not to the published part of the History, but to that which was unpublished; and, that they spoke with equal knowledge of the value of both. The fact is well known to be directly contrary to any such hypothesis. It must be obvious to all, that the application of any similar phrases to a portion of the History, in which the author himself was a very prominent, and not altogether a dispassionate, actor, would not be deemed quite so appropriate, as if it was confined to the earlier part, where no such objection to his fairness or impartiality can be made. We will undertake to vouch for "the descendants of his persecutors," that they never intended, by their compliments to what they had seen, to be understood as indorsing the libels upon their ancestors, contained in what they had not seen. Some of these same libels are copied *verbatim* by the editor, as biographical notices of the persons to whom they refer, without qualification or exception. We think this is giving to the book a degree of authority, which it does not deserve, and which no one, on this side of the Atlantic, who procured its publication, designed to confer. It certainly was an object of some interest to obtain it, and we very much wish, that another and similar effort could be made to procure the Autobiography, which still remains in the hands of Hutchinson's family. But we do not mean,

for all that, to be summoned to testify to the accuracy and fidelity of what we have never seen.

This is not the time, even were we disposed, to go into the question of the merits or demerits of that third volume. We expressed our own opinions of it in this journal not long after its publication, and we see nothing in that notice, which the lapse of time, or any other reason, leads us to regret having written.* Of Hutchinson, as a man, we cannot entertain the exalted opinion, which the editor expresses. We believe, that he was respectable in private life, but selfish, grasping, and profligate, as a politician. Above all, we know that he was born an American, had been cradled in the nursery of republican principles, had raised himself to general consideration among his fellows by the support of them, and that he sacrificed them for a mess of pottage. Imported governors might have written home, as they did, what they pleased, and we should have felt no surprise or indignation at it ; but that a child of our own raising should have courted favor with the minister by advising restrictions upon the liberty of his brethren, is altogether too much for our philosophy. Whatever may have been the morality of the means, by which the discovery of this fact was made, it has nothing to do with the act or its motives. They must always stand forth in their naked deformity, as a warning to all crafty and aspiring politicians, of the punishment that may await them, when they leave the path of right.

We have now done with that very disagreeable portion of our task, which consists in finding fault with the spirit of an editor. We shall dismiss our notice of the literary execution much more briefly, and then proceed to make some comments upon the *Diary and Letters* of Judge Curwen himself. What we object to in the style is mere carelessness, by which the sense is either perverted, or imperfectly conveyed. The following examples may suffice.

“He [Judge Upham] possessed, in a remarkable degree, that rare talent, fine powers of conversation, of which Lord Bacon laid down the true rule, and indulged occasionally in a happy vein of satire.” — p. 520.

* See *North American Review*, Vol. XXXVIII. pp. 134 *et seq.*

A very slight change would have avoided an awkward confusion between Lord Bacon and the Judge at the end of this sentence.

“Isaac Wilkins, of Westchester, New York, son of Martin Wilkins, Esq., who in infancy, at the decease of his father, an opulent planter, and an eminent man of the island of Jamaica, was brought to the province, and received the best education the country afforded. The former married Isabella Morris, a sister of that eloquent patriot and statesman, Gouverneur Morris.” — p. 555.

As three persons appear to be spoken of in the first sentence, the use of the words “the former,” as applied to two, is confusing.

“Col. Pickman married a daughter of Dr. Toppan, of Boston, and died at his native place in April, 1819, aged 79. He was a son of the Col. Pickman who died at Salem in 1773, aged 66; a member of the provincial council and judge of the common pleas, whose sisters married Curwen, Ward, and Ropes, the father of Judge Ropes, and whose brother Samuel was governor of Tortola. The first mentioned Col. Pickman left a number of children.” — p. 512.

We should have supposed, that, by virtue of the semicolon, the junior Colonel Pickman was a member of the provincial council, &c., more particularly, as he was the first mentioned, and therefore probably most in honor. But we are led, by the last clause of the sentence, to infer, that the father was the man.

This kind of criticism is doubtless not of the first importance, and a book may be very good in spite of some errors in punctuation, or in the use of the relative pronoun. We admit this in all cases, but least willingly in those, where genealogy is in question. It is hard enough to master a pedigree, when laid down in the clearest manner. If the information is worth giving at all, it is certainly the duty of the giver, as well as for the interest of the receiver, that it should not be embarrassed by equivocal meanings. A very little industry will correct this defect, and we doubt not, that Mr. Ward, if this work should go to another edition, will manifest his obligation to us for calling his attention to it. A glance at the peerage books of Great Britain, where this business is much better understood than with us, would furnish some useful hints as to arrangement.

We proceed to some consideration of the character of Judge Curwen himself, as we see it depicted in the Journal and Letters before us. That he was highly respectable in private life, there can be no doubt; and, if he erred in his political course, some of the fault must be laid to his deficiency in moral courage, and more to the seductive influences of place. Among all the trials which await every political man, in the course of his career, none are, perhaps, more dangerous, than those which spring from the operation of official station upon his judgment and principles. Nine out of ten persons in such situations, after equivocating for a time, end by sacrificing the theoretical to the palpable. We can readily understand, why the Judge of Admiralty and Impost Officer for Essex county should find nothing in the measures of the British government to justify resistance, or even to excite dissatisfaction; and, in saying this, we mean no disparagement to the gentleman himself, who might have very honestly thought all the while, that his opinions were perfectly independent of personal considerations. We can readily understand the sincerity of his regret at the departure of Hutchinson, and of his joy at the arrival of General Gage, which he proved by signing the loyal addresses to those gentlemen, and still more by adhering to them, when others withdrew their names. After all, the sum and substance of the question, to him, consisted in the fact, that he had much to lose, and not much to gain, by revolution. Had he decided otherwise than he did, perhaps he might have merited the compliment of possessing lofty principles. As it was, he did not fall below the ordinary level of human nature.

The first entry which we find in the Diary, is dated at Philadelphia, 4 May, 1775, to which place, the Judge tells us, that he repaired, at the age of sixty, "in search of personal security, and those rights which he was denied at home." But it does not appear, that he found what he was seeking. Although his kinsman and correspondent did, to his no little embarrassment, salute him with the assurance, "We will protect you, though a Tory," he found some difficulty in procuring lodgings on account of his politics, and endured much mortification, as he says, in the cause of truth. This treatment, followed up by intimations, that his residence, if allowed at all, after it became known that he

was "*an addresser*," would be unpleasant, determined him before two days had elapsed, to proceed to London. On the 10th of the same month, he was witness of the formal entry into Philadelphia of the Massachusetts delegates to the first Congress, "with every mark of respect that could be expressed." "Perceiving not the least disposition to accommodate matters anywhere," on the 12th he embarked in the same vessel that had brought him, and on the 3d of the succeeding July, arrived at Dover. The remainder of his Diary, and nearly all the Letters, belong to the period of nine years, during which he languished an exile in the country, whose cause he had adopted.

At first he seems to have been disposed to consider himself as a brand saved from the burning, and to mourn for the impending fate of the friends he left behind. In August he writes thus to one of his political associates.

"Instead of the languid measures hitherto pursued, more active ones will succeed, and then woe to poor Massachusetts, which, like the scape-goat, must bear the sins of many. Do urge our remaining friends to flee from the destruction, that will speedily overtake that devoted colony." — p. 38.

And again, in December ;

"I will just hint what appears to be a matter of notoriety here ; the opposition in Parliament is too inconsiderable in numbers, weight, and measures, to hinder the progress of administration in their plans respecting America. Both Houses repose entire confidence in the King and his ministers' resolution not to relinquish the idea of compelling the submission of all subjects, within the limits of the British Empire, to the authority of the supreme legislature ; preparations for which are making, for increasing the number of troops, to be sent over time enough for a vigorous push next season. The events of war are uncertain, and victory is by many thought doubtful, — yet it is more than whispered by some, that America had better be dispeopled, than remain in its present state of anarchy, — much more independent. Should this idea regulate future measures, and should government despair of subduing them, one may, without the spirit of prophecy, see, beforehand, what terrible, destructive evils will then befall our poor, devoted, once happy country. 'O fortunatos,' etc. Very truly yours,

"S. CURWEN." — p. 41.

But the Americans were not destroyed quite so easily

as the Judge's English acquaintances led him to expect. In the mean time the vaporing tone with which this kind of talk was daily repeated to him, grew less and less agreeable to his nerves. He felt that a share of the contempt, which was cast upon Americans in general, fell indirectly upon himself, and all who like him were invoking the interference of this superior power in family quarrels. And this feeling at last began to inspire a wish that his rebellious countrymen should show that they were not to be easily put down. On the 18th of December, 1776, he breaks out into the following strain ;

“ It is my earnest wish the despised Americans may convince these conceited islanders, that, without regular standing armies, our continent can furnish brave soldiers, and judicious and expert commanders, by some knock-down irrefragable argument ; for then, and not till then, may we expect generous or fair treatment. It piques my pride, I confess, to hear us called *our colonies*, *our plantations*, in such terms and with such airs, as if our property and persons were absolutely theirs, like the ‘villains’ and their cottages in the old feudal system, so long since abolished, though the spirit or leaven is not totally gone it seems.” — p. 90.

And, in another place,

“ In conversation with a gentleman at an ordinary, I observed in him the prevailing characteristic infirmity of this nation, rendering them both envied and hated by Europe, namely, an overweening conceit of English bravery, accompanied with a contempt for other nations ; which in this day of their distress they now feel the sad effects of, in the cool indifference the other states view her embarrassments, though without producing a reformation as far as I can perceive.” — p. 354.

At about the date of the first extract, the Judge began to feel his money running low, with no remittances or prospect of any from home, and an increasing probability of an indefinite period of exile. He was relieved from anxiety by the good offices of Judge Sewall, whose representations at the Treasury procured for him an annual pension of a hundred pounds sterling, to be paid during the continuance of the troubles, but the payment of which was actually continued to him, so far as we can judge, after his return to America, and probably up to the time of his death. The only difficulty that

remained consisted in the want of active occupation to interest him. The refugees at first formed a club, the members of which dined together once a week ; but this did not last long. The Judge then took to travelling over various portions of Great Britain, seeing all the sights, and searching for a cheap place of abode. But all would not do. He was not by temperament a sanguine man, and the progress of events depressed him more and more. He writes thus to one of his fellow exiles in August, 1777.

“ A late rumor from the south, that had exhilarated our sinking spirits, is now momentarily abating of its credibility, though it was told in a way, and with circumstances, that induced a universal belief. The report I refer to, you must undoubtedly have heard. My faith in a speedy return to our native country is, as it has ever been, faint ; those, on the contrary, with whom it is my fate to bear company, have cherished, and still please themselves with the fond, delusive hope, that the disturbances on the western continent will subside upon the least success of the British arms, and hourly expect to hear of General Burgoyne's arrival at Albany ; from whence they date the end of the troubles there. But, supposing that to take place, I foresee a great deal to be done before the fierce spirits of the people in America will settle down into a submission to a power they dread and have been taught to detest. Besides, I cannot help thinking France will interpose, and prevent a future connexion between Great Britain and the colonies ; perhaps, not thinking it prudent to declare whilst the recovery of them remains doubtful. This you may call a suggestion of fear, and it may be the effect of a sickly, disturbed imagination ; I presume, however, I am not a singular instance.” — p. 152.

It was not long before General Burgoyne sadly disappointed the expectations of his Tory friends, and France verified the apprehensions of the Judge. Changed indeed was then his tone, for, instead of predicting the instantaneous annihilation of his brethren in America, he now began to apprehend the ruin of the mother country, whose cause he had adopted. And, what is more, he began to invoke curses, neither few nor small, upon those who, he now saw, had been the creators of all the mischief. Take for example the following entry.

(1781.) “ August 8. In conversation with Mr. Peters, was informed, that it is, and has been all along, the determination of

the cabinet, to set up the noblemen's claim against New-England charters, annihilate all of them, and reduce the surviving inhabitants to a state of villenage, or expel them. He says he has sufficient authority to assert this. Cruel, barbarous determination! May Heaven disappoint their cursed device against innocence, justice, right, humanity, and every laudable principle and virtue. May America and my countrymen, more dear to me than ever, be made acquainted with this more than brutal cruelty; may disappointment be the issue of their attempts; vexation and every evil the reward of such unexampled, oppressive, rapacious designs, for it is but yet in embryo, never, I hope, to see the light. I doubt not Heaven has in store ample revenge for this devoted country, whose rulers seem infatuated, and themselves on the verge of ruin thereby." — p. 322.

In noticing the memoir of Mr. Van Schaack, we took occasion to comment upon the cavalier manner in which many of the refugees were treated by the British, and upon the resentful feeling which it excited on their part towards these benefactors of their own choice. We think Judge Curwen's burst of indignation is more to his credit, in the preceding paragraph, than the apparent calmness of his informant. He must have felt that those who could suggest, or even whisper, projects of the sort alluded to, were not such men as he ought to have embarked his fortune to support. It is one of the remarkable features of the work before us, that it exposes distinctly to view the state of isolation in which American Tories, who had sacrificed their all to the mother country, were kept. They lived among themselves, associated with none but exiles, corresponded only with each other. "The situation of American Loyalists," says Jonathan Sewall, "is enough to have provoked Job's wife, if not Job himself;" and sure enough, it must have been so, when the outbursts of natural feeling in the Judge's heart, so far from creating any sympathy with him among the British, only had the effect of bringing him into suspicion.

On the 6th September, 1779, he notes down thus;

"Am informed that I am suspected to be an American spy, disaffected to government; this was reported by one Calhier, a violent hater of the inhabitants of the American continent, and of all its friends and well-wishers; his malice I despise, and his power to injure me with government I defy." — p. 221.

It was but poor compensation for a liability to such in-

sult, to be able to wander about and see the great bed of Ware, or to attend the ladies' disputing club at the King's Arms, Cornhill, and hear most delectably discussed that intensely interesting and useful question, "Was Adam or Eve most culpable in Paradise?" We doubt even if much real pleasure was to be derived in the private amusement hinted at in the following extract written at Brosely.

"Dined at the inn; company same as last evening; afterwards we all together walked to Surgeon Corbit's, our guide and attendant; S. Sewall and myself drank coffee with his spouse. Leaving this house, Judge Sewall and myself returned to the inn, where I passed a heavy, sleepy evening; S. Sewall was engaged in loyally celebrating General Clinton's success at Charleston, by discharging a two-pounder, half loaded, several times in a private garden." — p. 251.

This singularly edifying diversion of drinking coffee with Surgeon Corbit's spouse, or that still higher enjoyment of firing a two-pounder half loaded, in honor of the capture of a town in one's own country by a hostile army, could scarcely have paid for the absence of all the other pleasures which are ordinarily regarded as making life comfortable. Judge Curwen could not have estimated them very highly, for we find him, in the course of time, uttering strains of deep regret at his past conduct, as follows;

"It has been my wish, ever since I have been from my own home, that all who are in a state of exile, whether voluntary or not, except those immediately concerned in the revenue, who could not have remained in America, had been prudent enough to have kept their political opinions to themselves, especially after the frenzy had worked itself up so high in the minds of our zealous patriot neighbours, and remained at their own dwellings, and made the best shifts they could in these troubles. They might, I really think, have found themselves, for the most part, in less disagreeable circumstances than they now are; at least, I can truly say it respecting my own particular case. But the bad consequences of past errors are now only to be lessened by a prudent forbearance of harsh, reproachful language against the present rulers in the American colonies that remain in subjection to Congress authority; for, whatever you warm transatlantic Loyalists may think, it is probable, however the general war may terminate, there never will be established such a degree of British governmental authority in North America as will cause much matter of triumph to American refugees." — p. 323.

There is a moral in this change of tone, which deserves to be remembered through all the various phases political affairs assume in America. Judge Curwen had left this country principally through fear of the British power ; and it was fitting, that one having no higher principle of action should deeply regret not having kept his opinions to himself when he found that fear ill grounded. Had he felt himself clearly in the right, after a profound examination of the principles at the bottom of the controversy, the consciousness of his being so would doubtless have sustained him, as it has done many a high-souled man, through trials infinitely harder than any he endured. But he appears not to have sought to rest upon any such basis. We look in vain through the book for any exposition of his deliberate conviction. The moment that the idea began to dawn upon his mind, that the Americans were not likely to be put down, his anxiety to return manifested itself. And it went on increasing, until he was able to bring about the desired end. We respect the feeling that prompted his wish, even when we cannot recognise in it the lofty principle, to which the editor seems so desirous to point our attention. The timidity, which seems to have been a prominent point of his character, reappears in a later part of his *Diary* in another form, when, writing of the course of the now independent States, he expresses the following apprehensions, thus far proved to have been idle.

“I am far from wishing ill to the cause of liberty, much less to that of my native country, to which, on the contrary, as a citizen of the world, and a friend of the inalienable rights of mankind, I wish every kind of good, but am equally far from thinking America has gained its delusively fancied prize by independence. By some congressional manœuvres of late, a train, I fear, is laid for the establishment of a power much more fatal to liberty than Great Britain durst have aimed at, whilst she could have retained any governmental authority there. Their liberation is a doubtful proof of the divine approbation of their cause. Many there thirsted after it, and so did the Israelites for a king, which God at length gave them, in his anger ; and he has, I fear, given them their heart’s desire by way of punishment for wantoning away those singularly great advantages of a civil, religious, and political nature, with which he had favored them above all people upon the face of the whole earth. They often were used to compare themselves to God’s highly favored people, and

I truly think their case is not unlike ; mercies and preservations as numerous, nor does their folly and ingratitude fail to finish the comparison." — p. 384.

It is worthy of remark, that, during all the long exile of the Judge, his wife appears to have remained very quietly at Salem, without the least inclination to cross the seas on his account. Neither does it appear, by any portion of his published Diary, that he was rendered the more uneasy in his mind on that account. Hardly an allusion to her occurs, even when he is writing and thinking of others at home. We recollect seeing but a single letter addressed to her, and this occurs towards the end of the book. It is kind in its tone, but by no means warm. In it he speaks of his return as still doubtful, and depending upon the temper of the people towards American absentees. But he does not speak of one other contingency, which, after that was settled in his favor, yet weighed in his mind against it. We allude to the one recorded in the Journal under the 5th of July, 1784, as follows ;

"Went to the Treasury, and there received the agreeable information, that the commissioners had granted my petition to appoint an agent to receive my quarterly allowance after my departure from England, on making satisfactory proof of my being alive at the successive periods of payment. From this I date an end to my doubts respecting my embarkation ; its issue time must reveal." — p. 411.

Very soon after the date of this entry he embarked for home, and the only remark which we find, upon his landing at the end of Long Wharf in Boston, is, that every thing on shore looked unaccountably low, mean, and diminutive to him. He appears to have taken little or no pleasure in visiting, under such very altered circumstances, the scenes for which he had, when absent, so earnestly longed. Perhaps this is exactly human nature, and the Judge does no more than artlessly expose the little sensibility he had in his character ; but we should perhaps take a deeper interest in his fallen fortunes, and his return to his native home, if we saw him moved to greater enthusiasm upon the event. At this point the Diary closes, and we take leave of the old gentleman, not without a feeling of respect, but moved to no sentiment either of affection or regret.

We have already mentioned the fact, that the editor has

appended nearly one hundred and fifty pages of biographical notices of eminent persons during the Revolution, and more particularly of royalists. Some of them contain curious and valuable information, which it was well to embody in a durable form. Others are mere transcripts from Hutchinson's third volume, which had been better left out. A few of the last pages are devoted to a somewhat extended notice of Samuel Quincy, whose greatest error seems to have been, that he allowed the attractions of office to overcome his principles. We think, that, whenever the editor shall make another effort to put the members of the two parties on the same footing as to *loftiness* of principles, he will do well to omit the letter written to the last-named person by his sister upon his departure from this country. There is a warmth and an earnestness about it, so animating, after going over the memorials of insensibility or time-serving, that we cannot better close this article than by extracting it entire.

“ TO SAMUEL QUINCY.

“ Braintree, May 11th, 1775.

“ My Dear Brother, — I write this in hopes to put it into the letter my father has just written. If it should reach you, it may serve to convince you, that I have not forgotten that you are my *only* brother. He must judge what I feel, when I tell him that I fear I shall never see him again.

“ Our two departed brothers died upon the seas. Some perhaps will say your body is sound ; it may be so, but the sick in mind call for more than Esculapian aid.

“ If any thing could surprise me *now*, the hearing of your going *home* would ; but, of late, every thing that is marvellous and strange is to be expected. I have not time to enlarge upon the complicated distresses of our country, of families, or of individuals, but shall briefly say, that our connexions have experienced such a series of melancholy events as are not to be paralleled. We, my brother, I hope, can sympathize in sorrowing for the loss of a brother, whose character was, as far as any man's of his age ever was, unimpeachable.

“ In his labors for the salvation of his country, he was indefatigable. His death, I hope, will prove a warning to others, not to pursue too eagerly *any point*. Nature, kept upon the stretch, will give way. He did not sufficiently consider the tenderness of his frame, and it may truly be said he fell a martyr in the cause of liberty.

“ In the monody on our eldest brother, I find the following

lines ; they may, with equal propriety, be applied to the younger ;

“ ‘ That heart, which late, inflamed with patriot zeal,
Braved the bold insults of its country's foe,
No more its pious frenzy can reveal,
Nor e'er in Freedom's cause again shall glow.’ ”

“ Let it not be told in America, and let it not be published in Great Britain, that a brother of such brothers fled from his country, the wife of his youth, the children of his affection, and from his aged sire, already bowed down with the loss of two sons, and by that of many more dear, though not so near connexions, to secure himself from the reproaches of his injured countrymen ; and, to cover such a retreat, obliged to enlist as a sycophant under an obnoxious Hutchinson, who is a tool under a cruel North, and by them to be veered about, and at last to be blown aside with a cool ‘ To-morrow, Sir.’ ”

“ ‘ Refusal, canst thou wear a smoother form ? ’ ”

“ My blood chills at the thought of the meanness of a seeker, and flames with indignation at such treatment from those in power. Arouse from your lethargy, — let reason take the helm ; disregard all greatness but greatness of soul ; then the little trappings that royalty can confer will lose their lustre, that false lustre, which I fear inclines you to the *prerogative* side. Spare me, and do not call what I have written impertinent, but ascribe it to the anxiety of a sister really distressed for thee. I behold you leaving your country, ‘ a land flowing with milk and honey,’ and in which, as yet, iniquity of all kinds is punished, and its religion as yet free from idolatry, (how long it will continue so God only knows, — we have reason to fear a depredation on our religious system next,) for a country, where evil works are committed with impunity. Can you expect there to walk uprightly ? Can you take fire into your bosom and not be burned ? ”

“ I take a long farewell, and wish you success in every laudable undertaking.

“ Your affectionate sister,

“ H. LINCOLN.”
